



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Folsom Field Office
63 Natoma Street
Folsom, CA 95630
www.blm.gov/ca/folsom



EA Number: CA-180-07-46

Serial Number: CACA 48795

Proposed Action: Land Use Lease (2920)

Location: NESE, Section 35, T4S, R16E, MDM; Mariposa County

Applicant: Jack Bankhead

1.0 Purpose of and Need for Action

1.1 Need for Action

The applicant needs the subject lease in order to construct new facilities and operate existing facilities on public land, all of which are related to the applicant's mining operation taking place on his adjoining private land. Jack Bankhead owns 200 acres of fee land (APNs 007-130-022 and -023) which lie to the north and west of the affected 40-acre BLM parcel (APN 007-130-24). Mr. Bankhead is in the mining business, and had acquired both real property (the parcel west of the BLM) and interests (mining claims on the BLM) that covered the area of the historic Mt Gaines Mine. In the recent past, Mr. Bankhead has conducted both mining and reclamation operations on the BLM claims. When he ceased mining and completed reclamation on the BLM land, he no longer had a basis under the mining law for operating on the BLM land, yet his use of the BLM land had become integral to continued operations on his private land. His existing use of BLM land has continued on what is recognized by both Bankhead and BLM as a trespass basis (Trespass Case CACA 48794), with the understanding that the use would be legalized by issuance of a FLPMA lease, the proposed action here. It is expected that the lease will be superseded by a direct sale of the BLM parcel to Mr. Bankhead.

The applicant has legal and physical access to the subject BLM parcel through his own private parcel (Mt Gaines Mine), which fronts on a county road (Mt. Gaines Road). The federal government has no legal access to the subject BLM parcel.

1.2 Conformance with Applicable Land Use Plans

The proposed action is subject to the 1988 Sierra Planning Area Management Framework Plan (MFP) Amendment. This plan has been reviewed to determine that the proposed action conforms to the land use plan terms and conditions as required by 43 CFR 1610.5. The objective of the MFP Amendment was to augment land tenure decisions (land disposal/retention) of the original 1983 MFP; it also modified decisions of the SYU-15 Timber Management Plan. The proposed action is in the Custodial Management Area.

2.0 Proposed Action and Alternatives

2.1 Proposed Action

The proposed action is to issue a lease under Section 302 of FLPMA, which would authorize Mr. Bankhead to use, for various mining-related purposes, an approximately 13-acre parcel of vacant public land. This is the land within the BLM parcel that was formerly used for operations associated with the defunct Mt. Gaines Mine; it is roughly the NW portion of the BLM 40 (see attached maps). Existing uses within the proposed lease area include roads, a well, power, phone and water lines, one building (mine office) and a portion of another (shop), a small house trailer that serves as a caretaker residence, fences, and considerable equipment storage. The applicant proposes to construct and operate a mineral material conveyor through the NW part of the lease area. Existing and proposed uses would be authorized by the lease. All of the lease area has been subjected to past land use and modification, including some major topographic alteration.

The lease would be for a term of 10 years and would be subject to applicable policy or program requirements and prior existing rights. Rental would be set at fair market value, as established by the BLM Realty Specialist.

A prehistoric cultural resource site near the lease area would be fenced in order to protect it from inadvertent damage associated with heavy equipment use.

2.2 Project Design Features

The lease area is configured to be the minimum land necessary for the purposes proposed by the applicant while at the same time providing the maximum buffer for a prehistoric cultural site that was recommend for protection (see attached report; site TM-316). The lease area also excludes an artificial pond considered to be potential California red legged frog habitat (see attached biological report).

2.3 No Action

The no action alternative would be to not issue a lease. The applicant would not be able to continue his use of the public land – use which for a century or more had occurred under authority of the 1872 Mining Law – nor would he be able to construct a needed conveyor over the most feasible route.

3.0 Affected Environment

The proposed lease is in the Sierra Foothills at an elevation of 1475-1675' elevation on hillsides and bottomland that flank a spring-fed draw. A spring is located east of the BLM parcel, and its water is diverted into storage tanks north of the BLM; water seeps from the tanks down through the BLM back into the draw. Soils are rocky loam. In contrast to the remainder of the BLM parcel, the lease area is sparsely vegetated. Past and ongoing land uses have reduced vegetative cover to a few scattered trees in the north and south parts of the lease, and a bit of grazing land in the southeast corner. The plant community is in poor ecological condition and is further described in the attached botanical report. There are no rare plants or species of interest within the lease area. Wildlife species of interest are not present and are not expected to occur within the lease; a pond east of the lease could contain California red legged frog habitat (see attached wildlife report). Rangeland resources are negligible within the lease area, but occur on the surrounding BLM land. Forestry resources are not present in the area. Scenic qualities and visual resources have been compromised by decades of intensive mining activity in the lease area. Recreation values are low due to the lack of public access.

A survey for cultural resources was conducted and a number of cultural sites were identified but none were determined to be eligible for the National Register of Historic Places (NRHP) (see attached cultural resources report). Except for one prehistoric site of undetermined eligibility, all resources were evaluated as being not eligible for the NRHP. Near the lease area, one prehistoric site was discovered that may be eligible for the NRHP.

A biological resources inventory was conducted, with the result that no special status species were known to occur or expected to occur within the area of potential effect (see report by BLM wildlife biologist Peggy Cranston).

A botanical resources inventory, postponed until flowering season for maximum effectiveness, concluded that there would be no effect to sensitive species (see report by Al Franklin, BLM Botanist).

4.0 Environmental Effects

The following critical elements have been considered for this environmental assessment, and unless specifically mention later in this chapter, have been determined to be unaffected by the proposal: air quality, areas of critical environmental concern, prime/unique farmlands, floodplains, water quality, threatened or endangered species, hazardous waste, cultural resources, Native American concerns, wetlands and riparian zones, wild and scenic rivers, wilderness, invasive/nonnative weeds, and environmental justice.

4.1 Impacts from the No Action Alternative

Impacts to resources described above would not be expected from the No action alternative.

4.2 Impacts from the Proposed Action

Current mining related activities would continue; therefore, no additional impacts to resources are anticipated. No known rare plants or animals, or significant cultural sites, would be affected because none were found in the project area. As long as the occupied house trailer remains on BLM land, we will require that it meet all county codes for sanitation and utilities.

4.3 Cumulative Impacts

Erosion, rare plants, animals, and cultural resources are not expected to be impacted at the site specific scale. Therefore, cumulative impacts at a larger scale are not expected.

5.0 Agencies and Persons Consulted

5.1 BLM Interdisciplinary Team

- Dean Decker, Right-of-Way Specialist and EA Writer
- James Barnes, Cultural Resources
- Al Franklin and Peggy Cranston, Biological Resources

5.2 Availability of Document and Comment Procedures

The EA, posted on Folsom Field Office's website (www.blm.gov/ca/folsom) under Information and NEPA (or available upon request), will be available for a 15-day public review period. Comments should be sent to the BLM at 63 Natoma Street, Folsom, CA 95630 or emailed to us at ca180@ca.blm.gov. Individual respondents may request confidentiality. If you wish to withhold your name and address from public review or from disclosure under the Freedom of Information Act, you must state this at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.